

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MARK DeGEORGE,

Plaintiff,

- against -

ACE AMERICAN INSURANCE COMPANY,

Defendant.
-----x

Civil No.
07 cv 2761
(RPP)

LOCAL RULE
56.1
STATEMENT

Plaintiff, MARK DeGEORGE, by his attorneys, STOCK & CARR, ESQS., sets forth the following as and for his Local Rule 56.1 Statement:

1. Defendant, ACE AMERICAN INSURANCE COMPANY, issued a Yachtsman Policy of insurance to the plaintiff effective June 23, 2005 to June 23, 2006.
2. Said policy was in full force and effect on July 5, 2005.
3. Said policy provided liability insurance coverage for a 1982 Sea Ray Express boat owned by the plaintiff.
4. Within one and one-half weeks subsequent to July 5, 2005, the plaintiff notified a person and/or entity known as "Whitmore", who the plaintiff described as his "broker", that a Renee Holstein had been injured while in the vicinity of the said boat on July 4, 2005.
5. That the said policy of liability insurance provided coverage for personal injuries sustained by a person aboard or in the vicinity of the said boat.

6. That on September 21, 2005, Renee Holstein, by her attorney, reported to the defendant insurance company by telephone that she sustained personal injuries on July 5, 2005 while aboard or in the vicinity of the said boat.

7. That on December 5, 2005, Renee Holstein, by her attorney, reported to the defendant insurance company by correspondence that she sustained personal injuries on July 5, 2005 while aboard or in the vicinity of the said boat.

8. That on May 24, 2006, the defendant insurance company, by way of a letter dated that date, notified the plaintiff that it was denying coverage for the July 4, 2005 incident.

9. That the basis for the denial of coverage was the alleged failure of the plaintiff insured to notify the defendant insurance company of the incident for approximately 7 months.

DATED: Mineola, New York
October 22, 2007

STOCK & CARR, ESQS.

by: VICTOR A. CARR (VC 7542)

Attorney(s) for Plaintiff(s)
88 Second Street
Mineola, New York 11501
(516) 747-2478